

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GEORTO, INC.,)	
Plaintiff,)	
)	
v.)	
)	
WILLIAM GATEMAN, INDIVIDUALLY)	CIVIL ACTION NO. 04-11730 NG
and as TRUSTEE OF 200 UNION)	
STREET REALTY TRUST,)	
Defendant and)	
Third Party Plaintiff,)	
)	
v.)	
)	
ROBERTS CORPORATION,)	
Third Party)	
Defendant.)	

PLAINTIFF'S MOTION TO COMPEL
DEFENDANT WILLIAM GATEMAN TO ANSWER INTERROGATORIES

Plaintiff Georto, Inc. ("Georto"), pursuant to Fed. R. Civ. P. 33(b)(5) and 37(a), moves that this Court enter an order compelling Defendant William Gateman, Individually and as Trustee of 200 Union Street Realty Trust ("Gateman"), to answer Interrogatories 5 through 21 contained in Plaintiff's First Set of Interrogatories To William Gateman, Individually and as Trustee of 200 Union Street Realty Trust, within fourteen days of the date of such order.¹ Georto further moves that this Court modify and amend the discovery deadline² so as to permit Georto to conduct discovery, during the thirty day period following Gateman's service of full and complete answers, related to any additional information as may be disclosed in such answers to interrogatories.

¹ Plaintiff's Interrogatories directed to William Gateman are attached hereto as Exhibit 1. The Answers of the Defendant, William Gateman, to Interrogatories Propounded by the Plaintiff, Georto, Inc. is attached hereto as Exhibit 2.

As is set forth in Georto's Memorandum in Support of Motion to Compel Defendant William Gateman to Answer Interrogatories, Gateman failed and refused to provide any answer to interrogatories calling for him to state the basis for his denials of Georto's specific allegations in the Complaint (see Gateman's responses to Interrogatories 6, 8, 10, 12, 13, 17, and 19) and/or provided evasive and effectively non-responsive one sentence answers to most of the remaining interrogatories (see Gateman's responses to Interrogatories 7, 9, 11, 14, 15, 16, 18, 20, and 21). Georto therefore seeks to compel Gateman to fully answer the interrogatories in accordance with Fed. R. Civ. P. 33 (b)(1) ("[e]ach interrogatory shall be answered separately and fully in writing..."), Fed. R. Civ. P. 37(a)(3) ("[f]or purposes of this subdivision an evasive or incomplete disclosure, answer, or response is to be treated as a failure to disclose, answer, or respond"), and Local Rule 26.5 (setting forth the requirements for responding to an interrogatory, specifically including interrogatories calling for the party to "state the basis" of a particular claim, assertion, allegation, or contention).

WHEREFORE, Plaintiff Georto, Inc. requests that this Honorable Court issue an order: 1) compelling Plaintiff William Gateman, Individually and as Trustee Of 200 Union Street Realty Trust, to provide full and complete answers to Interrogatories Nos. 5 through 21 in accordance with Fed. R. Civ. P. 33 (b)(1) and 37(a)(3) and Local Rule 26.5 within fourteen days of such order; and 2) modifying and amending the discovery deadline so as to permit Georto to conduct discovery, during the thirty day period

² The deadline for completing discovery is September 30, 2005.

following Gateman's service of full and complete answers, related to any additional information as may be disclosed in such answers to interrogatories.

PLAINTIFF GEORTO, INC.

By its attorney,

/s/

Dale C. Kerester, BBO#548385
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Certificate of Compliance with Local Rule 7.1 and 37.1

I, Dale C. Kerester, attorney for Plaintiff Georto, Inc. in the above-referenced matter, hereby certify that the provisions of Local Rule 7.1 and 37.1 have been complied with and that I have conferred with Defendant's attorney and have attempted in good faith to resolve or narrow the issues presented in this motion. I have stated with particularity the information required by Local Rule 37.1 in Georto's Memorandum in Support of Motion to Compel William Gateman to Answer Interrogatories.

/s/

Dale C. Kerester

Dated: September 30, 2005